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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/663,869	09/15/2000	David Skirmont	P4505	4196

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EXAMINER

SHAND, ROBERTA A

ART UNIT	PAPER NUMBER
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2665

DATE MAILED: 09/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/663,869

Applicant(s)

SKIRMONT ET AL.

Examiner

Roberta A. Shand

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Newhall (U.S. 5682479) in view of Khouri (U.S. 6072806).

4. Regarding claims 1, 7 and 13, Newhall teaches (figure 21) In a data packet router, a method for redirecting packets destined for a port, comprising: updating a port-status table listing port status as active or failed (col. 13, lines 1-7); checking the table by circuitry along a packet route for a packet en route (col. 20, line 44 – col. 21, line 15); and sending the received packet to the predetermined port if the port is listed in the table as active, and sending the received packet

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to the alternative destination if the port is listed in the table as failed (col. 21, line 51 – col. 22, line 13).

5. Newhall does not teach monitoring port status on a continuing or periodic basis for active or failed status..

6. Khouri teaches (col. 6, lines 17 – 34 and figs. 2, 3A and 3B) monitoring port status (link status) on a continuing or periodic basis for active or failed status. It would have been obvious to one of ordinary skill in the art to adapt this to Newhall's system to maintain quality of service within the system.

7. Newhall also does not teach a status table listing an alternative destination for each port along with the active or failure status.

8. Khouri teaches (col. 6, lines 17 – 34 and figs. 2, 3A and 3B) a status table listing an alternative destination for each port along with the active or failure status. It would have been obvious to one of ordinary skill in the art to adapt this to Newhall's system to prevent data loss and avoid interruption of communication between two nodes.

9. Regarding claim 2, Newhall teaches (figure 21) the port status table is stored in a fabric circuitry and checking and redirecting is implemented in the fabric circuitry.

10. Regarding claims 3, 8 and 14, as for the table being stored in a Global Fabric ASIC or a Packet Processing ASIC on a line card and enabling redirection by a CPU on a line card, Application Specific Integrated Circuit is obvious in Nwhall's system for decision making tasks between the switch and the processor.

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11. Regarding claims 4, 10, and 15, as mentioned above Newhall teaches all of the limitations of claims 1, 7 and 13.

12. Newhall does not teach implementing the operations in hardware logic. However, Newhall does teach (col. 22, lines 45-55) that one skilled in the art would recognize that an alternative physical architecture (hardware logic) can present the same functionality and be implemented with the same invention.

13. Regarding claim 5, as for the alternative destination being a Packet processing ASIC, Application Specific Integrated Circuit is obvious in Newhall's system for decision making tasks between the switch and the processor.

14. Regarding claims 6, 12 and 17, Newhall teaches (col. 22, lines 56 – col. 23, line 9) pre-destinations and alternative destinations are noted by destination tags associated with the packets in process.

15. Regarding claim 9, as for the card being a fabric card interconnecting line cards, it is obvious in Newhall's system that the crossbar (fabric card) interconnects ports (line cards).

16. Regarding claims 11, 16 and 19, as for the alternative destination being a port on a line card it is inherent in Newhall's hub/router system that in order for data to be transmitted, line cards having ports are included.

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17. Regarding claim 18, Newhall (col. 20, lines 54-67) the port status table is a distributed table with portions stored in separate places.

18. Regarding claim 20, as for the alternative destination being on the same line card, it is obvious in Newhall's system that the alternative destination can be on the same line card, because there can be more than one port on the line card.

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Conclusion

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roberta A Shand whose telephone number is 571-272-3161. The examiner can normally be reached on M-F 9:00am-5:30pm.

20. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on 571-272-3155. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

21. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Roberta A Shand
Examiner
Art Unit 2665



STEVEN NGUYEN
PRIMARY EXAMINER